JOSEPH P. RUSSONIELLO (CASBR 4632) V [1] 1 United States Attorney 2008 JUL 31 PM 3: 44 2 BRIAN J. STRETCH (CASBN 163973) Chief, Criminal Division RICHARD W. WIEKING 3 E-FILED CLERK CHAD M. MANDELL (ILBN 6286) 4 Assistant United States Attorney 5 150 Almaden Boulevard 6 San Jose, California 95113 Telephone: (408) 535-5059 Facsimile: (408) 535-5066 7 Email: chad.mandell@usdoj.gov 8 Attorneys for the United States of America 9 10 UNITED STATES DISTRICT COURT 11 NORTHERN DISTRICT OF CALIFORNIA 12 SAN JOSE DIVISION CR-08-00486-BMV 13 UNITED STATES OF AMERICA, 14 No. 08-70389 PVT 15 Plaintiff, [PROPOSED] ORDER EXCLUDING TIME FROM JULY 23, 2008 TO 16 V. SEPTEMBER 9, 2008 FROM THE PRELIMINARY HEARING CLOCK OF ISIDRO FRANCISCO MORA AYALA, 17 FEDERAL RULES OF CRIMINAL PROCEDURE 5.1(c) Defendant. 18 19 The parties appeared on July 23, 2008 for identification of counsel. Assistant Federal 20 Public Defender (AFPD) Nicholas Humy, who appeared as the defendant's lead defense attorney, 21 22 and Alejandro Contreras, who appeared on the defendant's behalf as cumus counsel, advised the Court that they would require additional time to consider discovery. The parties agreed that the 23 time occasioned by this continuance was necessary for effective defense preparation. 24 25

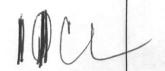
Based upon the foregoing representations made by the parties, and good cause appearing therefor,

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IT IS HEREBY ORDERED that the time between July 7 and July 31, 2008, shall be excluded from the computation of the period within which the preliminary hearing in this matter



must commence, for the reasons set forth by the parties in open court. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon 2 the grounds set forth above and finds that the time is appropriately excluded pursuant to Crim.R. 5.1(d). IT IS SO ORDERED. DATED: august 1,2008 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 Copies to be distributed to: 17 18 Nicholas Humy Federal Public Defender's Office 19 160 West Santa Clara Street, Suite 575 San Jose, California 95113 20 Alejandro Contreras Law Office of Alejandro Crontreras 21 P.O. Box 730547 22 San Jose, CA 95173

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Chad Mandell

San Jose, CA 59113

U.S. Attorney's Office 150 Almaden Blvd. Suite 900